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COMMITTEE ON THE RIGHTS OF THE CHILD

First session

SUMMARY RECORD OF THE 27th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 18 October 1991, at 10 a.m.

Chairman: Mrs. BADRAN

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The meeting was called to order at 10.45 a.m.

CONSIDERATION AND ADOPTION OF THE DRAFT INTERIM REPORT (continued)

Paragraph 13 (continued)

1. Mr. HAMMARBERG proposed that the title and the text of paragraph 13 of the draft interim report should be amended to read:

"Technical assistance and advisory services

13. When considering recommendation 2, paragraph 9, members of the Committee stressed the importance of receiving from States parties information on the implementation of the Convention. In this context, the Committee also emphasized the importance of the technical assistance and advisory services programme of the Centre for Human Rights in relation to the rights of the child. States parties should also be informed about the nature of this programme and the possibilities to obtain support from the programme for the implementation of the Convention."

2. It was so decided.

3. Paragraph 13, as amended, was adopted.

Recommendation 3 (continued)

4. Mr. KOLOSOV proposed that paragraph 5 of recommendation 3 should be deleted.

5. It was so decided.

6. Recommendation 3, as amended, was adopted.

Paragraph 18

7. Mr. KOLOSOV proposed that the third sentence of paragraph 18 should be amended to read: "As a result of the discussion, the Committee adopted its recommendation 5 (see chapter I of the report)".

8. It was so decided.

9. Paragraph 18, as amended, was adopted.

Recommendation 5 (continued)

10. Mrs. KLEIN (Representative of the Secretary-General), replying to a point raised by Mrs. EUFEMIO concerning paragraph 2 (f), said that three more sessions of the Preparatory Committee, two in 1991 and one in 1993, would be held prior to the World Conference and that, at its first session in September 1991, the Preparatory Committee had decided to recommend that the Secretary-General should be requested to prepare a number of short studies on issues relating to paragraph 1 (b) of General Assembly resolution 45/155.

11. Mr. HAMMARBERG proposed that paragraph 2 (b) should be amended to read:

"The Conference agenda should be organized in a manner that the rights of the child would be given due emphasis. A specific item should also be included for the purpose of discussing the Convention on the Rights of the Child as an illustration of the indivisibility and the interrelationship of the different human rights."

12. It was so decided.

13. Paragraph 2 (b), as amended, was adopted.

14. Mr. BRUNI (Secretary of the Committee) said that the amended version of recommendation 5 would read:

"5. Recommendation to the Preparatory Committee of the World Conference on Human Rights

The Committee on the Rights of the Child,

Pursuant to paragraph 9 of General Assembly resolution 45/155 of 18 December 1990 and paragraph 5 of Commission on Human Rights resolution 1991/30 of 5 March 1991,

1. Designates its Chairperson as its representative to the meetings of the Preparatory Committee of the World Conference on Human Rights,

2. Adopts the following recommendations:

(a) A specific item relating to the activities of the human rights treaty bodies should be included in the agenda of the World Conference;

(b) The Conference agenda should be organized in a manner that the rights of the child would be given due emphasis. A specific item should also be included for the purpose of discussing the Convention on the Rights of the Child as an illustration of the indivisibility and the interrelationship of the different human rights;

(c) The list of issues to be explored during the preparatory process should include:

(i) Improving the effectiveness of the existing human rights treaty bodies;

(ii) Ways and means of strengthening the material and human resources of the Centre for Human Rights;

(d) All members of the treaty bodies of the United Nations human rights system should be invited to participate in the World Conference;

(e) The holding of national, regional and international workshops and seminars should be encouraged during the preparatory process and their results should be presented to the World Conference;

(f) Special studies should be undertaken during the preparatory process to enable the World Conference to implement the provisions contained in paragraph 1 (b) of General Assembly resolution 45/155."

15. Mrs. SANTOS PAIS suggested that a reference should be made to the idea of holding a meeting of human rights treaty bodies to discuss their common contributions to and the preparations for the World Conference.

16. Mr. HAMMARBERG said he agreed and proposed that the following sentence should be added at the end of paragraph 2 (e): "A meeting of members of human rights treaty bodies should be convened as part of the preparatory process in order to facilitate a comprehensive evaluation of the work of the treaty bodies with a view to making recommendations for the improvement of their functioning".

17. Mr. KOLOSOV said he endorsed the intent of the proposed amendment, but doubted whether the measures it described would be workable. If all members of the human rights treaty bodies attended such a meeting, there would be nearly 100 participants: that was too large a group for productive discussions to be expected. The treaty bodies had very different areas of concern and he was not convinced that they could agree on a common approach to the World Conference.

18. Mr. HAMMARBERG said it had been agreed that all members of human rights treaty bodies should be invited to the World Conference. It was therefore logical that they should be invited to prepare in a constructive way for their participation in the Conference. The proposed amendment did not make it an obligation for all members of such bodies to attend a preparatory meeting; it did, however, enable them to do so if they wished.

19. He did not share Mr. Kolosov's view that the different terms of reference of the various treaty bodies might prevent them from devising a common approach, since they had a common interest in seeing the system for monitoring compliance with human rights treaties function as efficiently as possible.

20. Mrs. SANTOS PAIS said she endorsed the view that the proposed amendment encouraged, but did not oblige, members of treaty bodies to attend a meeting to prepare for the World Conference.

21. Mrs. KLEIN (Representative of the Secretary-General) said that the agendas of future sessions of the treaty bodies would include an item on preparations for the World Conference. Each treaty body would consider its own approach to the Conference and communicate its ideas at the next meeting of chairpersons of human rights treaty bodies.

22. The CHAIRMAN said that, if she heard no objection, she would take it that the Committee wished to adopt the amendment proposed by Mr. Hammarberg.

23. It was so decided.

24. Recommendation 5, as amended, was adopted.

25. Mrs. KLEIN (Representative of the Secretary-General) suggested that the draft interim report should include the following new chapter IV:

"IV. ADOPTION OF THE REPORT

20. At its 25th to 27th meetings, held on 17 and 18 October 1991, the Committee considered the draft interim report on its first session. The report, as amended in the course of the discussion, was unanimously adopted by the Committee."

26. It was so decided.

27. Chapter IV was adopted.

28. Mrs. SANTOS PAIS referring to the Committee's guidelines, proposed that a new subparagraph (h) should be added to paragraph 15, specifically mentioning the child's right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment and referring to article 37 (a) of the Convention. In paragraph 23 (b) (Children in conflict with the law), a new subparagraph (iii) should be added prohibiting capital punishment and life imprisonment in the sentencing of juveniles and also referring to article 37 (a). Subparagraph (b) (ii) should contain a reference to article 37 (b), (c) and (d). She would submit those amendments in writing to the secretariat.

29. Mr. HAMMARBERG said that he endorsed Mrs. Santos Pais's proposal. He also noted that minor drafting changes and the polishing of texts might profitably be left to the secretariat.

30. Mr. KOLOSOV said that the polishing of texts should not become the usual practice, especially where political issues might be involved.

31. Mr. HAMMARBERG suggested that, in cases where the extent of a change was not clear, the Chairman should decide on it after consulting with the secretariat. In case of doubt, the matter should be discussed at the Committee's following session.

32. Mr. KOLOSOV noted that, according to its rules of procedure, the Committee must take decisions either by consensus or by a majority of six persons. The type of decision referred to by Mr. Hammarberg was not the prerogative either of the Chairman or of the Bureau. In his view, editorial changes meant the correction of typographical errors only.

33. Mrs. KLEIN (Representative of the Secretary-General) said that the secretariat did not change the substance of any text adopted by the Committee, but made necessary editorial changes only.

34. The CHAIRMAN said that, if she heard no objection, she would take it that the Committee decided to adopt Mrs. Santos Pais's proposal concerning the guidelines.

35. It was so decided.

36. The draft interim report as a whole, as amended, was adopted.

FUTURE MEETINGS OF THE COMMITTEE (agenda item 10) (continued)

Proposed agenda for the second session

37. The CHAIRMAN invited the Committee to consider the proposed agenda for its second session, which read:

"1. Adoption of the agenda

2. Report on developments relevant to the work of the Committee (including treaty bodies)

3. Participation in the work of the Preparatory Committee and the World Conference

4. System of documentation and information (including the question of computerization and model statistical table)

5. Methods of work of the Committee and methods of work of the pre-sessional Working Group, including:

Consideration of the question of technical advice and assistance

Establishment of a technical advisory group

6. Consideration of the guidelines in regard to the kind of information required under each section, taking account of the principles of the Convention. The Committee may wish to invite the view of the specialized agencies, UNICEF, other United Nations organs and other competent bodies in this regard.

7. Future studies

8. General discussion on 'Children in armed conflicts'

9. Other matters

10. Consideration and adoption of the report."

38. Mr. HAMMARBERG suggested that the second sentence of agenda item 6 should be deleted. It was not just in connection with item 6 that the Committee might wish to hear the views of other competent bodies, but in connection with a number of items on its agenda. He nevertheless considered that item 6 (Consideration of the guidelines) should take up most the Committee's time at the second session, given the importance of the guidelines for the practical work of considering reports by States parties.

39. Mr. SWEPSTON (International Labour Organisation) said that the specialized agencies would welcome an indication of how they could help the Committee. He therefore suggested that, in the first sentence of item 6, the words "required under each section, taking account of the principles of the Convention" be replaced by the words "required both from States parties and from other sources".

40. Mrs. SANTOS PAIS said that she endorsed that proposal. She also suggested that, in view of its importance, item 6 should come before item 4.

41. The CHAIRMAN said that, if she heard no objection, she would take it that the Committee wished to adopt the proposed agenda for its second session, with the amendments proposed by Mr. Hammarberg and the representative of the International Labour Organisation.

42. It was so decided.

43. The proposed agenda for the second session, as amended, was adopted.

OTHER MATTERS (agenda item 11) (continued)

44. The CHAIRMAN said that Mr. Hammarberg had drawn up a list of individual tasks in connection with the guidelines which the members could carry out to prepare for the Committee's next session. The members would give their assigned areas extra study and perhaps set down their thoughts in writing, on the understanding that their assigned tasks would not prevent them from considering other areas of the guidelines in greater detail.

45. Mrs. KLEIN (Representative of the Secretary-General), replying to a question by Mrs. EUFEMIO, said that the commentary to the articles of the Convention being prepared by Mr. Alston under the auspices of UNICEF would be made available to the Committee as soon as it had been published.

46. The CHAIRMAN said that, if she heard no objection, she would take it that the members accepted the list of tasks drafted by Mr. Hammarberg.

47. It was so decided.

CLOSURE OF THE SESSION

48. After an exchange of courtesies, the CHAIRMAN declared the first session of the Committee on the Rights of the Child closed.

The meeting rose at 12.15 p.m.